

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**ENTERED**

January 27, 2017

David J. Bradley, Clerk

GABRIEL BAILON,	§	
Petitioner,	§	
	§	
v.	§	CIVIL ACTION NO: H-16-3489
	§	
LORIE DAVIS,	§	
Director of the Texas Department	§	
of Criminal Justice - Correctional	§	
Institutions Division,	§	
Respondent.	§	

**MEMORANDUM AND RECOMMENDATION**


Gabriel Bailon's petition for writ of habeas corpus has been referred to this magistrate judge for a report and recommendation (Dkt. 3). Respondent has filed a motion to transfer (Dkt. 6).

An application for writ of habeas corpus by a person in state custody must be filed in the federal district in which the person is confined, or in which the person was convicted and sentenced. 18 U.S.C. § 2241(d). Petitioner is currently confined at the Eastham Unit in Lovelady, Texas, which is within the jurisdiction of the United States District Court for the Eastern District of Texas, and was convicted in Dallas County, Texas, which is within the jurisdiction of the United States District Court for the Northern District of Texas. Because Bailon is challenging a post-conviction disciplinary proceeding, venue is appropriate in the United States District Court for the Eastern District of Texas.

It is therefore recommended that Respondent's motion to transfer (Dkt. 6) be granted and this case be transferred to the United States District Court for the Eastern District of Texas, Lufkin Division.

The parties have 14 days from service of this Memorandum and Recommendation to file written objections. Failure to file timely objections will preclude appellate review of factual findings or legal conclusions, except for plain error. *See* Rule 8(b) of the Rules Governing Section 2254 Cases; 28 U.S.C. § 636(b)(1)(C); FED. R. CIV. P. 72.

Signed at Houston, Texas on January 27, 2017.

  
Stephen Wm Smith  
United States Magistrate Judge